

THE HONORABLE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMERICAN CIVIL LIBERTIES UNION
OF WASHINGTON,

Plaintiff,

v.

U.S. DEPARTMENT OF JUSTICE,

Defendant.

CASE No. C09-642RSL

**STIPULATION FOR
COMPROMISE SETTLEMENT
AND RELEASE OF CLAIMS**

I. STIPULATION

Plaintiff American Civil Liberties Union of Washington (“Plaintiff”) and Defendant United States Department of Justice (“Defendant”), by and through their undersigned counsel, hereby enter into this Settlement Agreement as follows:

1. In consideration for the release of Plaintiff’s claims regarding attorneys’ fees and costs against Defendant, the United States shall pay to Plaintiff within sixty (60) days of the execution of this Stipulation the sum of fifty thousand dollars (\$50,000.00) payable to the ACLU of Washington Foundation via wire transfer, which sum Plaintiff and its counsel agree to accept as

1 full settlement of any and all claims, credits, demands, rights and causes of action for attorneys'
2 fees and costs incurred by Plaintiff in this action, and is inclusive of interest.

3 2. Upon execution of this Settlement Agreement, Plaintiff hereby releases and forever
4 discharges Defendant and its successors, the United States of America, and any department,
5 agency, or establishment of the United States, and any officers, employees, agents, successors, or
6 assigns of such department, agency, or establishment, from any and all past, present, or future
7 claims for fees, costs, or litigation expenses in connection with the above-captioned litigation.

8 3. Upon the execution of this Settlement Agreement, Plaintiff hereby releases and forever
9 discharges Defendant, and its successors, the United States of America, and any department,
10 agency, or establishment of the United States, and any officers, employees, agents, successors, or
11 assigns of such department, agency, or establishment, from any and all claims and causes of
12 action that Plaintiff asserts or could have asserted in this litigation, or which hereinafter could be
13 asserted by reason of, or with respect to, or in connection with, or which arise out of, the FOIA
14 request on which this action is based.

15 4. The parties acknowledge that this Settlement Agreement is entered solely for the
16 purpose of settling and compromising any remaining claims in this action without further
17 litigation, and it shall not be construed as evidence or as an admission regarding any issue of law
18 or fact, or regarding the truth or validity of any allegation or claim raised in this action, or as
19 evidence or as an admission by the Defendant regarding Plaintiff's entitlement to attorney's fees
20 and other litigation costs under the FOIA.

21 5. The Parties agree that this Stipulation, including all the terms and conditions of this
22 compromise settlement, may be made public in their entirety, and the Parties expressly consent
23 to such release and disclosure pursuant to 5 U.S.C. § 552a(b).

24 6. The persons signing this Stipulation warrant and represent that they possess full
25 authority to bind the entities, agencies and organizations on whose behalf they are signing to the
26 terms of the Stipulation.

27 7. This Stipulation represents the entire agreement between the Parties with regard to the
28

1 matters set forth herein and no other agreements, understandings or representations, oral or
2 otherwise, bind the Parties except as herein expressly set forth in writing and signed by all
3 Parties.

4 8. The Court retains jurisdiction to enforce the provisions of this Stipulation.

5 SO STIPULATED AND AGREED this 7th day of March, 2013

6
7 /s/ Lee Gelernt

8 Lee Gelernt,* State Bar No. NY-8511
9 Dror Ladin* State Bar No. NY-4942215
10 AMERICAN CIVIL LIBERTIES UNION
11 FOUNDATION
12 IMMIGRANTS' RIGHTS PROJECT
13 125 Broad Street, 18th Floor
14 New York, NY 10004
15 Tel. (212) 549-2619
16 lgelernt@aclu.org
17 dladin@aclu.org

18 Katherine Desormeau,* State Bar No. CA-266463
19 AMERICAN CIVIL LIBERTIES UNION
20 FOUNDATION
21 IMMIGRANTS' RIGHTS PROJECT
22 39 Drumm Street
23 San Francisco, CA 94111
24 Tel. (415) 343-0778
25 kdesormeau@aclu.org

26 Michael Wishnie,* State Bar No. CT Juris No. 429553
27 Jerome N. Frank Legal Services Organization
28 Yale Law School
127 Wall Street
New Haven, CT 06511
Tel. (203) 432-4800
michael.wishnie@yale.edu

Sarah A. Dunne, WSBA #34869
901 Fifth Avenue, Suite 630
Seattle, WA 98164
Tel. (206) 624-2184
dunne@aclu-wa.org

Counsel for Plaintiff

*Admitted *pro hac vice*.

Jenny A. Durkin
United States Attorney

Brian C. Kipnis
Assistant United States Attorney
5220 United States Courthouse
700 Stewart Street
Seattle, WA 98101-7970

Stuart F. Delery
Principal Deputy Assistant Attorney General

Elizabeth J. Shapiro
Deputy Branch Director

/s/ Marcia K. Sowles
Marcia K. Sowles
Senior Counsel
United States Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Ave., NW, Room 7114
Washington, DC 20530

Counsel for Defendants

II. ORDER

IT IS SO ORDERED.

DATED this ___ day of March, 2013.

ROBERT S. LASNIK
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on March 7, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

Dated: March 7, 2013

/s/ Mariel Villarreal
Mariel Villarreal